

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 08 MJ 05 25

UNITED STATES OF AMERICA,) Magistrate Case Number: 08 FEB 22 AM 10:12
)
Plaintiff,) CLERK, U.S. DISTRICT COURT
v.) COMPLAINT FOR VIOLATION OF
) 21 U.S.C., Sections 952 and 960 DEPUTY
Carlos JIMENEZ) Importation of a Controlled Substance
Defendant)

The undersigned complaint being duly sworn states:

COUNT 1

On February 21, 2008, within the Southern District of California, Carlos JIMENEZ did knowingly and intentionally import approximately 43.20 kilograms of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Special Agent
U.S. Immigration and Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF FEBRUARY 2008.



UNITED STATES MAGISTRATE JUDGE

STATEMENT OF FACTS

On February 21, 2008, at approximately 11:25am, Carlos JIMENEZ entered the United States from Mexico at the San Ysidro, California Port of Entry (POE). JIMENEZ was the driver of a blue 1990 Chevrolet pickup bearing license plate CAUS/7A06535. JIMENEZ was the sole occupant in the vehicle.

Canine Enforcement Officer (CEO) Hersey was conducting pre-primary roving operations with his assigned Narcotic Detector Dog (NDD) "DADA". NDD "DADA" alerted to a blue 1990 Chevrolet pickup bearing license plate CAUS/7A06535 located on lane #7. CEO Hersey notified the Anti-Terrorism and Contraband Enforcement Team (AT-CET) of the canine alert.

Customs and Border Protection Officer (CBPO) Flores responded to assist CEO Hersey. CBPO Flores asked the driver, later identified as Carlos JIMENEZ, where he was going and JIMENEZ stated he was going to San Diego. CBPO Flores asked JIMENEZ his citizenship and JIMENEZ stated he was a United States citizen. JIMENEZ gave CBPO Flores a passport bearing the name Carlos JIMENEZ (DOB: 9/9/84). CBPO Flores asked JIMENEZ what he was bringing in from Mexico and JIMENEZ stated some tile for his mom. CBPO Flores asked JIMENEZ if he was bringing in anything else from Mexico and JIMENEZ stated no. CBPO Flores handcuffed JIMENEZ and escorted him into the Security Office.

In the secondary lot, CBPO Curfiss was assigned to conduct a seven-point inspection of the blue 1990 Chevrolet pickup, CAUS/7A06535. CBPO Curfiss drove the vehicle to the Z-Ray Backscatter Van (ZBV), which revealed packages inside the pallets. The pallets were removed from the bed of the truck and the tiles were removed from the pallets. CBPO Curfiss broke open one pallet and discovered cellophane wrapped packages. CBPO Curfiss selected a random package, which was probed; that produced a green leafy substance that field-tested positive for the presence of marijuana. A total of 18 packages were removed from the two pallets. Each pallet contained 9 packages. The net weight of the marijuana was 43.20 kilograms.

On February 21, 2008, at approximately 3:15pm, San Diego Police Officer (SDPO) Salinas, witnessed by Immigration and Customs Enforcement (ICE) Special Agent McDaniel, advised

JIMENEZ of his Miranda Rights. JIMENEZ said he understood his understood rights, verbally waived his rights and signed the pre-printed waiver of rights form.

JIMENEZ stated he did not have any knowledge regarding the marijuana discovered in the vehicle. JIMENEZ stated he had just purchased the pallets with the tile earlier today from a shop in Tijuana, B.C., Mexico. JIMENEZ stated he was going to sell the tile to an acquaintance in the United States at a higher price (in order to make a profit). JIMENEZ was charged with violation of Title 21 USC 952 and 960, Importation of a Controlled Substance, and booked into MCC, San Diego, California.

A. McDaniel
W. McDaniel